



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1595

Introduced 2/20/2015, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

New Act

Creates the Music Therapy Licensing and Practice Act. Provides for licensure of music therapists by the Department of Financial and Professional Regulation. Establishes the powers and duties of the Department, including prescribing rules defining what constitutes an appropriate curriculum for music therapy, reviewing the qualifications of applicants for licenses, investigating alleged violations of the Act, conducting hearings on disciplinary and other matters, and establishing a schedule of fees for the administration and enforcement of the Act. Establishes qualifications for licensure as a music therapist. Provides that licenses issued under the Act shall be renewed biennially. Establishes the Music Therapy Advisory Committee. Establishes the powers and duties of the advisory committee, including advising the Department on all matters pertaining to licensure, education, and continuing education requirements for music therapists. Establishes grounds for discipline of a license. Provides for civil and criminal penalties for violations of the Act. Creates provisions concerning formal hearings, including transcripts of proceedings, appointment of hearing officers, subpoenas and depositions, and rehearings. Provides for judicial review of all final administrative decisions of the Department. Preempts home rule. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Music
5 Therapy Licensing and Practice Act.

6 Section 5. Declaration of public policy. The practice of
7 professional music therapy is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. The purpose of the Act is to
10 ensure the highest degree of professional conduct on the part
11 of music therapists, to guarantee the availability of music
12 therapy services provided by a qualified professional to
13 persons in need of those services, and to protect the public
14 from the practice of music therapy by unqualified individuals.

15 Section 10. Definitions. For purposes of this Act, the
16 following definitions shall have the following meanings,
17 except where the context requires otherwise:

18 "Address of record" means the designated address recorded
19 by the Department in the applicant's or licensee's application
20 file or license file as maintained by the Department's
21 licensure maintenance unit. It is the duty of the applicant or
22 licensee to inform the Department of any change of address, and

1 those changes must be made either through the Department's
2 website or by contacting the Department.

3 "Advisory committee" means the Music Therapy Advisory
4 Committee.

5 "Board-certified music therapist" means an individual who
6 has completed the education and clinical training requirements
7 established by the American Music Therapy Association, has
8 passed the Certification Board for Music Therapists
9 certification examination or transitioned into board
10 certification, and remains actively certified by the
11 Certification Board for Music Therapists.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 "Music therapist" means a person licensed to practice music
15 therapy pursuant to this Act.

16 "Music therapy" means the clinical and evidence-based use
17 of music interventions to accomplish individualized goals for
18 people of all ages and ability levels within a therapeutic
19 relationship by a credentialed professional who has completed
20 an approved music therapy program. The music therapy
21 interventions may include music improvisation, receptive music
22 listening, song writing, lyric discussion, music and imagery,
23 singing, music performance, learning through music, music
24 combined with other arts, music-assisted relaxation,
25 music-based patient education, electronic music technology,
26 adapted music intervention, and movement to music. The practice

1 of music therapy does not include the diagnosis or assessment
2 of any physical, mental, or communication disorder.

3 "Person" means an individual, association, partnership, or
4 corporation.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation or his or her designee.

7 Section 15. Music Therapy Advisory Committee. There is
8 created within the Department a Music Therapy Advisory
9 Committee, which shall consist of 5 members. The Secretary
10 shall appoint all members of the advisory committee. The
11 advisory committee shall consist of persons familiar with the
12 practice of music therapy to provide the Secretary with
13 expertise and assistance in carrying out his or her duties
14 pursuant to this Act. The Secretary shall appoint members of
15 the advisory committee to serve for terms of 4 years, and
16 members may serve consecutive terms at the will of the
17 Secretary. Any vacancy shall be filled in the same manner as a
18 regular appointment. The Secretary shall appoint 3 members who
19 practice as music therapists in this State, one member who is a
20 licensed health care provider who is not a music therapist, and
21 one member who is a consumer. Members shall serve without
22 compensation.

23 Section 20. Music Therapy Advisory Committee; powers and
24 duties.

1 (a) The advisory committee shall meet at least once per
2 year or as otherwise called by the Secretary.

3 (b) The Secretary shall consult with the advisory committee
4 prior to setting or changing fees under this Act.

5 (c) The advisory committee may facilitate the development
6 of materials that the Secretary may utilize to educate the
7 public concerning music therapist licensure, the benefits of
8 music therapy, and the utilization of music therapy by
9 individuals and in facilities or institutional settings.

10 (d) The advisory committee may act as a facilitator of
11 statewide dissemination of information between music
12 therapists, the American Music Therapy Association or any
13 successor organization, the Certification Board for Music
14 Therapists or any successor organization, and the Secretary.

15 (e) The advisory committee shall provide an analysis of
16 disciplinary actions, appeals and denials, and license
17 revocations at least once per year.

18 (f) The Secretary shall seek the advice of the advisory
19 committee for issues related to music therapy.

20 (g) The advisory committee shall advise the Department on
21 all matters pertaining to the licensure, education, continuing
22 education requirements for and practice of music therapy in
23 this State.

24 (h) The advisory committee shall assist and advise the
25 Department in all hearings involving music therapists who are
26 alleged to be in violation of this Act.

1 Section 25. Exemptions.

2 (a) This Act does not prohibit any persons legally
3 regulated in this State by any other Act from engaging in the
4 practice for which they are authorized as long as they do not
5 represent themselves by the title of "music therapist" or
6 "licensed music therapist". This Act does not prohibit the
7 practice of nonregulated professions whose practitioners are
8 engaged in the delivery of human services as long as these
9 practitioners do not represent themselves as or use the title
10 of "music therapist" or "licensed music therapist".

11 (b) Nothing in this Act shall be construed to limit the
12 activities and services of a student enrolled in an accredited
13 music therapy program if these activities and services
14 constitute an integral part of the student's supervised course
15 of study as long as the student does not represent himself or
16 herself as a "music therapist" or "licensed music therapist".

17 Section 30. Restrictions and limitations. No person shall,
18 without a valid license as a music therapist issued by the
19 Department (i) in any manner hold himself or herself out to the
20 public as a music therapist under this Act; (ii) use in
21 connection with his or her name or place of business the title
22 "music therapist" or "licensed music therapist" or any words,
23 letters, abbreviations, or insignia indicating or implying a
24 person has met the qualifications for or has the license issued

1 under this Act; or (iii) offer to render or render to
2 individuals, corporations, or the public music therapy
3 services if the words "music therapist" or "licensed music
4 therapist" are used to describe the person offering to render
5 or rendering them or "music therapy" is used to describe the
6 services rendered or offered to be rendered.

7 Section 35. Unlicensed practice; violation; civil penalty.

8 (a) Any person who practices, offers to practice, attempts
9 to practice, or holds himself or herself out to practice as a
10 music therapist without being licensed or exempt under this Act
11 shall, in addition to any other penalty provided by law, pay a
12 civil penalty to the Department in an amount not to exceed
13 \$10,000 for each offense, as determined by the Department. The
14 civil penalty shall be assessed by the Department after a
15 hearing is held in accordance with the provisions set forth in
16 this Act regarding the provision of a hearing for the
17 discipline of a licensee.

18 (b) The Department may investigate any actual, alleged, or
19 suspected unlicensed activity.

20 (c) The civil penalty shall be paid within 60 days after
21 the effective date of the order imposing the civil penalty. The
22 order shall constitute a final judgment and may be filed and
23 execution had thereon in the same manner as any judgment from
24 any court of record.

1 Section 40. Powers and duties of the Department. Subject to
2 the provisions of this Act, the Department shall:

3 (1) adopt rules defining what constitutes a curriculum
4 for music therapy that is reputable and in good standing;

5 (2) adopt rules providing for the establishment of a
6 uniform and reasonable standard of instruction and
7 maintenance to be observed by all curricula for music
8 therapy that are approved by the Department and determine
9 the reputability and good standing of such curricula for
10 music therapy by reference to compliance with the rules,
11 provided that no school of music therapy that refuses
12 admittance to applicants solely on account of race, color,
13 creed, sex, or national origin shall be considered
14 reputable and in good standing;

15 (3) adopt and publish rules for a method of examination
16 of candidates for licensed music therapists and for
17 issuance of licenses authorizing candidates upon passing
18 examination to practice as licensed music therapists;

19 (4) review applications to ascertain the
20 qualifications of applicants for licenses;

21 (5) authorize examinations to ascertain the
22 qualifications of those applicants who require such
23 examinations as a component of a license;

24 (6) conduct hearings on proceedings to refuse to issue
25 or renew or to revoke licenses or suspend, place on
26 probation, censure, or reprimand persons licensed under

1 this Act and to refuse to issue or renew or to revoke
2 licenses or suspend, place on probation, censure, or
3 reprimand persons licensed under this Act;

4 (7) adopt rules necessary for the administration of
5 this Act; and

6 (8) maintain a list of music therapists authorized to
7 practice in the State; this list shall show the name of
8 every licensee, his last known place of residence and the
9 date and number of his or her license; any interested
10 person in the State may obtain a copy of that list on
11 application to the Department and payment of the required
12 fee.

13 Section 45. Application for original license.
14 Applications for original licenses shall be made to the
15 Department on forms prescribed by the Department and
16 accompanied by the required fee, which is not refundable. All
17 applications shall contain such information that, in the
18 judgment of the Department, will enable the Department to pass
19 on the qualifications of the applicant for a license to
20 practice as a music therapist. If an applicant fails to obtain
21 a license under this Act within 3 years after filing his or her
22 application, the application shall be denied. The applicant may
23 make a new application, which shall be accompanied by the
24 required nonrefundable fee. The applicant shall be required to
25 meet the qualifications required for licensure at the time of

1 reapplication.

2 Section 50. Social Security Number on license application.

3 In addition to any other information required to be contained
4 in the application, every application for an original license
5 under this Act shall include the applicant's Social Security
6 Number, which shall be retained in the Department's records
7 pertaining to the license. As soon as practical, the Department
8 shall assign a customer's identification number to each
9 applicant for a license. Every application for a renewal,
10 reinstated, or restored license shall require the applicant's
11 customer identification number.

12 Section 55. Qualifications for licensure.

13 (a) The Secretary shall issue a license to an applicant for
14 a music therapy license if such applicant has completed and
15 submitted an application form in such manner as the Secretary
16 prescribes, accompanied by applicable fees, and evidence
17 satisfactory to the Secretary that:

18 (1) the applicant is at least 18 years of age;

19 (2) the applicant holds a bachelor's degree or higher
20 in music therapy, or its equivalent, from a program
21 approved by the American Music Therapy Association or any
22 successor organization within an accredited college or
23 university;

24 (3) the applicant has successfully completed a minimum

1 of 1,200 hours of clinical training, with at least 180
2 hours of pre-internship experience and at least 900 hours
3 of internship experience, provided that the internship is
4 approved by an academic institution or the American Music
5 Therapy Association or any successor organization;

6 (4) the applicant is in good standing based on a review
7 of any music therapy licensure history the applicant may
8 have in other jurisdictions, including any alleged
9 misconduct or neglect in the practice of music therapy; and

10 (5) the applicant provides proof of passing the
11 examination for board certification offered by the
12 Certification Board for Music Therapists or any successor
13 organization, provides proof of being transitioned into
14 board certification, and provides proof that the applicant
15 is currently a board-certified music therapist.

16 (b) The Secretary shall issue a license to an applicant for
17 a music therapy license if such applicant has completed and
18 submitted an application upon a form and in such manner as the
19 Secretary prescribes, accompanied by any applicable fees, and
20 evidence satisfactory to the Secretary that the applicant is
21 licensed and in good standing as a music therapist in another
22 jurisdiction where the qualifications required are equal to or
23 greater than those required by this Act at the date of
24 application.

25 (c) The Secretary shall waive the examination requirement
26 until January 1, 2020 for an applicant who is designated as a

1 registered music therapist, certified music therapist, or
2 advanced certified music therapist and is in good standing with
3 the national music therapy registry.

4 Section 60. License renewal.

5 (a) Every license issued under this Act shall be renewed
6 biennially. A license shall be renewed upon payment of a
7 renewal fee, provided that the applicant is not in violation of
8 any of the terms of this Act at the time of application for
9 renewal. The following shall also be required for license
10 renewal:

11 (1) proof of maintenance of the applicant's status as a
12 board-certified music therapist; and

13 (2) proof of completion of a minimum of 40 hours of
14 continuing education in a program approved by the
15 Certification Board for Music Therapists or any successor
16 organization and any other continuing education
17 requirements established by the Secretary.

18 (b) A licensee shall inform the Secretary of any changes to
19 his or her address. Each licensee shall be responsible for
20 timely renewal of his or her license.

21 (c) Failure to renew a license shall result in forfeiture
22 of the license. Licenses that have been forfeited may be
23 restored within one year after the expiration date upon payment
24 of renewal and restoration fees. Failure to restore a forfeited
25 license within one year after the date of its expiration shall

1 result in the automatic termination of the license, and the
2 Secretary may require the individual to reapply for licensure
3 as a new applicant.

4 (d) Upon written request of a licensee, the Secretary may
5 place an active license on an inactive status subject to an
6 inactive status fee established by the Secretary. The licensee,
7 upon request and payment of the inactive license fee, may
8 continue on inactive status for a period up to 2 years. An
9 inactive license may be reactivated at any time by making a
10 written request to the Secretary and by fulfilling the
11 requirements established by the Secretary.

12 Section 65. Inactive status. A person who notifies the
13 Department in writing on forms prescribed by the Department may
14 elect to place his or her license on inactive status and shall,
15 subject to rule of the Department, be excused from payment of
16 renewal fees until he or she notifies the Department, in
17 writing, of his or her desire to resume active status. A person
18 requesting restoration from inactive status shall be required
19 to pay the current renewal fee and shall be required to restore
20 his or her license. Practice by an individual whose license is
21 on inactive status shall be considered to be the unlicensed
22 practice of music therapy and shall be grounds for discipline
23 under this Act.

24 Section 70. Fees; deposit of fees. The Department shall,

1 by rule, establish a schedule of fees for the administration
2 and enforcement of this Act. These fees shall be nonrefundable.
3 All of the fees and fines collected under this Act shall be
4 deposited into the General Professions Dedicated Fund. The
5 moneys deposited into the General Professions Dedicated Fund
6 shall be used by the Department, as appropriate, for the
7 ordinary and contingent expenses of the Department. Moneys in
8 the General Professions Dedicated Fund may be invested and
9 reinvested, with all earnings received from these investments
10 being deposited into that Fund and used for the same purposes
11 as the fees and fines deposited in that Fund.

12 Section 75. Checks or orders dishonored. Any person who
13 issues or delivers a check or other order to the Department
14 that is returned to the Department unpaid by the financial
15 institution upon which it is drawn shall pay to the Department,
16 in addition to the amount already owed to the Department, a
17 fine of \$50. The fines imposed by this Section are in addition
18 to any other discipline provided under this Act prohibiting
19 unlicensed practice or practice on a nonrenewed license. The
20 Department shall notify the person that payment of fees and
21 fines shall be paid to the Department by certified check or
22 money order within 30 calendar days after notification. If,
23 after the expiration of 30 days from the date of the
24 notification, the person has failed to submit the necessary
25 remittance, the Department shall automatically terminate the

1 license or certification or deny the application, without
2 hearing. If, after termination or denial, the person seeks a
3 license or certificate, he or she shall apply to the Department
4 for restoration or issuance of the license or certificate and
5 pay all fees and fines due to the Department. The Department
6 may establish a fee for the processing of an application for
7 restoration of a license to pay all costs and expenses of
8 processing of this application. The Secretary may waive the
9 fines due under this Section in individual cases where the
10 Secretary finds that the fines would be unnecessarily
11 burdensome.

12 Section 80. Endorsement. The Department may issue a
13 license as a music therapist, without administering the
14 required examination, to an applicant licensed under the laws
15 of another state, a U.S. territory, or another country if the
16 requirements for licensure in that state, U.S. territory, or
17 country are, on the date of licensure, substantially equal to
18 the requirements of this Act or to a person who, at the time of
19 his or her application for licensure, possesses individual
20 qualifications that are substantially equivalent to the
21 requirements of this Act.

22 An applicant under this Section shall pay all of the
23 required fees. An applicant shall have 3 years after the date
24 of application to complete the application process. If the
25 process has not been completed within the 3-year time period,

1 the application shall be denied, the fee shall be forfeited,
2 and the applicant shall be required to reapply and meet the
3 requirements in effect at the time of reapplication.

4 Section 85. Privileged communications and exceptions.

5 (a) No licensed music therapist shall disclose any
6 information acquired from persons consulting the therapist in a
7 professional capacity, except that which may be voluntarily
8 disclosed under any of the following circumstances:

9 (1) In the course of formally reporting, conferring, or
10 consulting with administrative superiors, colleagues, or
11 consultants who share professional responsibility, in
12 which instance all recipients of the information are
13 similarly bound to regard the communication as privileged.

14 (2) With the written consent of the person who provided
15 the information and about whom the information concerns.

16 (3) In the case of death or disability, with the
17 written consent of a personal representative.

18 (4) When a communication reveals the intended
19 commission of a crime or harmful act and such disclosure is
20 judged necessary in the professional judgment of the
21 licensed music therapist to protect any person from a clear
22 risk of serious mental or physical harm or injury or to
23 forestall a serious threat to the public safety.

24 (5) When the person waives the privilege by bringing
25 any public charges or filing a lawsuit against the

1 licensee.

2 (b) Any person having access to records or anyone who
3 participates in providing music therapy services, or in
4 providing any human services, or is supervised by a licensed
5 music therapist is similarly bound to regard all information
6 and communications as privileged in accord with this Section.

7 Section 90. Grounds for discipline.

8 (a) The Department may refuse to issue, renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary or non-disciplinary action as the Department
11 deems appropriate, including the issuance of fines not to
12 exceed \$10,000 for each violation, with regard to any license
13 for any one or more of the following:

14 (1) Material misstatement in furnishing information to
15 the Department or to any other State agency.

16 (2) Violations or negligent or intentional disregard
17 of this Act, or any of its rules.

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or
20 sentencing, including, but not limited to, convictions,
21 preceding sentences of supervision, conditional discharge,
22 or first offender probation, under the laws of any
23 jurisdiction of the United States: (i) that is a felony or
24 (ii) that is a misdemeanor, an essential element of which
25 is dishonesty, or that is directly related to the practice

1 of music therapy.

2 (4) Making any misrepresentation for the purpose of
3 obtaining a license, or violating any provision of this Act
4 or its rules.

5 (5) Negligence in the rendering of music therapy
6 services.

7 (6) Aiding or assisting another person in violating any
8 provision of this Act or any rules.

9 (7) Failing to provide information within 60 days in
10 response to a written request made by the Department.

11 (8) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public and violating the rules of
14 professional conduct adopted by the Department.

15 (9) Failing to maintain the confidentiality of any
16 information received from a client, unless otherwise
17 authorized or required by law.

18 (10) Failure to maintain client records of services
19 provided and provide copies to clients upon request.

20 (11) Exploiting a client for personal advantage,
21 profit, or interest.

22 (12) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 which results in inability to practice with reasonable
25 skill, judgment, or safety.

26 (13) Discipline by another governmental agency or unit

1 of government, by any jurisdiction of the United States, or
2 by a foreign nation, if at least one of the grounds for the
3 discipline is the same or substantially equivalent to those
4 set forth in this Section.

5 (14) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate, or other form of compensation
8 for any professional service not actually rendered.
9 Nothing in this paragraph (14) affects any bona fide
10 independent contractor or employment arrangements among
11 health care professionals, health facilities, health care
12 providers, or other entities, except as otherwise
13 prohibited by law. Any employment arrangements may include
14 provisions for compensation, health insurance, pension, or
15 other employment benefits for the provision of services
16 within the scope of the licensee's practice under this Act.
17 Nothing in this paragraph (14) shall be construed to
18 require an employment arrangement to receive professional
19 fees for services rendered.

20 (15) A finding by the Department that the licensee,
21 after having the license placed on probationary status, has
22 violated the terms of probation.

23 (16) Failing to refer a client to other health care
24 professionals when the licensee is unable or unwilling to
25 adequately support or serve the client.

26 (17) Willfully filing false reports relating to a

1 licensee's practice, including, but not limited to, false
2 records filed with federal or State agencies or
3 departments.

4 (18) Willfully failing to report an instance of
5 suspected child abuse or neglect as required by the Abused
6 and Neglected Child Reporting Act.

7 (19) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 pursuant to the Abused and Neglected Child Reporting Act,
10 and upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (20) Physical or mental disability, including
15 deterioration through the aging process or loss of
16 abilities and skills which results in the inability to
17 practice the profession with reasonable judgment, skill,
18 or safety.

19 (21) Solicitation of professional services by using
20 false or misleading advertising.

21 (22) Failure to file a return, or to pay the tax,
22 penalty of interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue or any successor agency or the Internal Revenue
26 Service or any successor agency.

1 (23) Fraud or making any misrepresentation in applying
2 for or procuring a license under this Act or in connection
3 with applying for renewal of a license under this Act.

4 (24) Practicing or attempting to practice under a name
5 other than the full name as shown on the license or any
6 other legally authorized name.

7 (25) Gross overcharging for professional services,
8 including filing statements for collection of fees or
9 monies for which services are not rendered.

10 (26) Charging for professional services not rendered,
11 including filing false statements for the collection of
12 fees for which services are not rendered.

13 (27) Allowing one's license under this Act to be used
14 by an unlicensed person in violation of this Act.

15 (b) The Department shall deny, without hearing, any
16 application or renewal for a license under this Act to any
17 person who has defaulted on an educational loan guaranteed by
18 the Illinois State Assistance Commission; however, the
19 Department may issue a license or renewal if the person in
20 default has established a satisfactory repayment record as
21 determined by the Illinois Student Assistance Commission.

22 (c) The determination by a court that a licensee is subject
23 to involuntary admission or judicial admission as provided in
24 the Mental Health and Developmental Disabilities Code will
25 result in an automatic suspension of his or her license. The
26 suspension will end upon a finding by a court that the licensee

1 is no longer subject to involuntary admission or judicial
2 admission, the issuance of an order so finding and discharging
3 the patient, and the determination of the Secretary that the
4 licensee be allowed to resume professional practice.

5 (d) The Department may refuse to issue or renew or may
6 suspend without hearing the license of any person who fails to
7 file a return, to pay the tax penalty or interest shown in a
8 filed return, or to pay any final assessment of the tax,
9 penalty, or interest as required by any Act regarding the
10 payment of taxes administered by the Illinois Department of
11 Revenue until the requirements of the Act are satisfied in
12 accordance with subsection (g) of Section 2105-15 of the Civil
13 Administrative Code of Illinois.

14 (e) In cases where the Department of Healthcare and Family
15 Services has previously determined that a licensee or a
16 potential licensee is more than 30 days delinquent in the
17 payment of child support and has subsequently certified the
18 delinquency to the Department, the Department may refuse to
19 issue or renew or may revoke or suspend that person's license
20 or may take other disciplinary action against that person based
21 solely upon the certification of delinquency made by the
22 Department of Healthcare and Family Services in accordance with
23 item (5) of subsection (a) of Section 2105-15 of the Department
24 of Professional Regulation Law of the Civil Administrative Code
25 of Illinois.

26 (f) All fines or costs imposed under this Section shall be

1 paid within 60 days after the effective date of the order
2 imposing the fine or costs or in accordance with the terms set
3 forth in the order imposing the fine.

4 Section 95. Suspension of license for failure to pay
5 restitution. The Department, without further process or
6 hearing, shall suspend the license or other authorization to
7 practice of any person issued under this Act who has been
8 certified by court order as not having paid restitution to a
9 person under Section 8A-3.5 of the Illinois Public Aid Code or
10 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012. A person whose license or other
12 authorization to practice is suspended under this Section is
13 prohibited from practicing until the restitution is made in
14 full.

15 Section 100. Violations; injunction; cease and desist
16 order.

17 (a) If any person violates the provisions of this Act, the
18 Secretary may, in the name of the People of the State of
19 Illinois, through the Attorney General of the State of Illinois
20 or the State's Attorney of any county in which the violation is
21 alleged to have occurred, petition for an order enjoining the
22 violation or for an order enforcing compliance with this Act.
23 Upon the filing of a verified petition, the court with
24 appropriate jurisdiction may issue a temporary restraining

1 order without notice or bond, and may preliminarily and
2 permanently enjoin the violation. If it is established that the
3 person has violated or is violating the injunction, the court
4 may punish the offender for contempt of court. Proceedings
5 under this Section are in addition to all other remedies and
6 penalties provided by this Act.

7 (b) If any person holds himself or herself out as being a
8 licensed music therapist under this Act and is not licensed to
9 do so, then any licensed music therapist, interested party, or
10 any person injured thereby may petition for relief as provided
11 in subsection (a) of this Section.

12 (c) Whenever, in the opinion of the Department, a person
13 violates any provision of this Act, the Department may issue a
14 rule to show cause why an order to cease and desist should not
15 be entered against that person. The rule shall clearly set
16 forth the grounds relied upon by the Department and shall allow
17 at least 7 days from the date of the rule to file an answer
18 satisfactory to the Department. Failure to answer to the
19 satisfaction of the Department shall cause an order to cease
20 and desist to be issued.

21 Section 105. Investigations; notice and hearing. The
22 Department may investigate the actions of any applicant or any
23 person holding or claiming to hold a license. The Department
24 shall, before revoking, suspending, placing on probation,
25 reprimanding, or taking any other disciplinary action under

1 Section 90 of this Act, at least 30 days prior to the date set
2 for the hearing, (i) notify the accused, in writing, of any
3 charges made and the time and place for the hearing on the
4 charges, (ii) direct him or her to file a written answer to the
5 charges with the Department under oath within 20 days after
6 service of the notice, and (iii) inform the accused that, if he
7 or she fails to answer, default will be taken against him or
8 her or that his or her license or certificate may be suspended,
9 revoked, placed on probationary status, or other disciplinary
10 action taken with regard to the license, including limiting the
11 scope, nature, or extent of his or her practice, as the
12 Department may deem proper. In case the person, after receiving
13 notice, fails to file an answer, his or her license may, in the
14 discretion of the Department, be suspended, revoked, placed on
15 probationary status, or the Department may take whatever
16 disciplinary action considered proper, including limiting the
17 scope, nature, or extent of the person's practice or the
18 imposition of a fine, without a hearing, if the act or acts
19 charged constitute sufficient grounds for such action under
20 this Act. The written notice may be served by personal delivery
21 or certified mail to the licensee's address of record.

22 Section 110. Record of proceedings; transcript. The
23 Department, at its expense, shall preserve a record of all
24 proceedings at the formal hearing of any case.

1 Section 115. Subpoenas; depositions; oaths. The Department
2 may subpoena and bring before it any person in this State and
3 take the oral or written testimony or compel the production of
4 any books, papers, records, or any other documents that the
5 Secretary or his or her designee deems relevant or material to
6 any investigation or hearing conducted by the Department with
7 the same fees and mileage and in the same manner as prescribed
8 in civil cases in the courts of this State. The Secretary, the
9 shorthand court reporter, and the designated hearing officer
10 may administer oaths at any hearing which the Department
11 conducts. Notwithstanding any other statute or Department rule
12 to the contrary, all requests for testimony and for the
13 production of documents or records shall be in accordance with
14 this Act.

15 Section 120. Compelling testimony. Any court, upon
16 application of the Department, designated hearing officer, or
17 the applicant or licensee against whom proceedings under
18 Section 90 of this Act are pending, may order the attendance
19 and testimony of witnesses and the production of relevant
20 documents, papers, files, books, and records in connection with
21 any hearing or investigation. The court may compel obedience to
22 its order by proceedings for contempt.

23 Section 125. Findings and recommendations. At the
24 conclusion of the hearing, the hearing officer shall present to

1 the Secretary a written report of its findings of fact,
2 conclusions of law, and recommendations. The report shall
3 contain a finding whether the licensee violated this Act or
4 failed to comply with the conditions required in this Act. The
5 hearing officer shall specify the nature of the violation or
6 failure to comply, and shall make its recommendations to the
7 Secretary. The report of findings of fact, conclusions of law,
8 and recommendation of the hearing officer shall be the basis
9 for the Department's order for refusing to issue, restore, or
10 renew a license, or for otherwise disciplining a licensee. If
11 the Secretary disagrees with the recommendations of the hearing
12 officer, the Secretary may issue an order in contravention of
13 the hearing officer's recommendations. The finding is not
14 admissible in evidence against the person in a criminal
15 prosecution brought for the violation of this Act, but the
16 hearing and findings are not a bar to a criminal prosecution
17 brought for the violation of this Act

18 Section 130. Secretary; rehearing. Whenever the Secretary
19 believes justice has not been done in the revocation,
20 suspension, or refusal to issue or renew a license or the
21 discipline of a licensee, he or she may order a rehearing.

22 Section 135. Appointment of a hearing officer. The
23 Secretary has the authority to appoint any attorney licensed to
24 practice law in the State of Illinois to serve as the hearing

1 officer in any action for refusal to issue or renew a license
2 or permit or to discipline a licensee. The hearing officer has
3 full authority to conduct the hearing. The hearing officer
4 shall report his findings of fact, conclusions of law, and
5 recommendations to the Secretary.

6 Section 140. Order or certified copy; prima facie proof.
7 An order or certified copy thereof, over the seal of the
8 Department and purporting to be signed by the Secretary, is
9 prima facie proof that:

10 (1) the signature is the genuine signature of the
11 Secretary; and

12 (2) the Secretary is duly appointed and qualified.

13 Section 145. Restoration of license from discipline. At any
14 time after the successful completion of a term of indefinite
15 probation, suspension, or revocation of a license, the
16 Department may restore the license to active status, unless,
17 after an investigation and a hearing, the Secretary determines
18 that restoration is not in the public interest. No person whose
19 license has been revoked as authorized in this Act may apply
20 for restoration of that license until such time as provided for
21 in the Civil Administrative Code of Illinois.

22 Section 150. Surrender of license. Upon the revocation or
23 suspension of a license, the licensee shall immediately

1 surrender his or her license to the Department. If the licensee
2 fails to do so, the Department has the right to seize the
3 license.

4 Section 155. Summary suspension of license. The Secretary
5 may summarily suspend the license of a music therapist without
6 a hearing, simultaneously with the institution of proceedings
7 for a hearing provided for in Section 105 of this Act, if the
8 Secretary finds that the evidence indicates that the
9 continuation of practice by the music therapist would
10 constitute an imminent danger to the public. In the event that
11 the Secretary summarily suspends the license of an individual
12 without a hearing, a hearing must be held within 30 days after
13 the suspension has occurred and shall be concluded as
14 expeditiously as possible.

15 Section 160. Administrative review; venue.

16 (a) All final administrative decisions of the Department
17 are subject to judicial review pursuant to the Administrative
18 Review Law and its rules. The term "administrative decision" is
19 defined as in Section 3-101 of the Code of Civil Procedure.

20 (b) Proceedings for judicial review shall be commenced in
21 the circuit court of the county in which the party applying for
22 review resides, but if the party is not a resident of Illinois,
23 the venue shall be in Sangamon County.

1 Section 165. Certification of record; costs. The
2 Department shall not be required to certify any record to the
3 court, to file an answer in court, or to otherwise appear in
4 any court in a judicial review proceeding, unless and until the
5 Department has received from the plaintiff payment of the costs
6 of furnishing and certifying the record, which costs shall be
7 determined by the Department. Failure on the part of the
8 plaintiff to file the receipt in court is grounds for dismissal
9 of the action.

10 Section 170. Violations. Unless otherwise specified, any
11 person found to have violated any provision of this Act is
12 guilty of a Class A misdemeanor.

13 Section 175. Administrative Procedure Act; application.
14 The Illinois Administrative Procedure Act is hereby expressly
15 adopted and incorporated in this Act as if all of the
16 provisions of such Act were included in this Act, except that
17 the provision of paragraph (d) of Section 10-65 of the Illinois
18 Administrative Procedure Act, which provides that at hearings
19 the license holder has the right to show compliance with all
20 lawful requirements for retention, continuation, or renewal of
21 the certificate, is specifically excluded. For the purpose of
22 this Act the notice required under Section 10-25 of the
23 Illinois Administrative Procedure Act is deemed sufficient
24 when mailed to the last known address of a party or the address

1 of record.

2 Section 180. Home rule. The regulation and licensing of
3 music therapists are exclusive powers and functions of the
4 State. A home rule unit may not regulate or license music
5 therapists. This Section is a denial and limitation of home
6 rule powers and functions under subsection (h) of Section 6 of
7 Article VII of the Illinois Constitution.

8 Section 185. Confidentiality. All information collected by
9 the Department in the course of an examination or investigation
10 of a licensee or applicant, including, but not limited to, any
11 complaint against a licensee filed with the Department and
12 information collected to investigate any such complaint, shall
13 be maintained for the confidential use of the Department and
14 shall not be disclosed. The Department shall not disclose the
15 information to anyone other than law enforcement officials,
16 regulatory agencies that have an appropriate regulatory
17 interest as determined by the Secretary, or a party presenting
18 a lawful subpoena to the Department. Information and documents
19 disclosed to a federal, State, county, or local law enforcement
20 agency shall not be disclosed by the agency for any purpose to
21 any other agency or person. A formal complaint filed against a
22 licensee or registrant by the Department or any other complaint
23 issued by the Department against a licensee, registrant, or
24 applicant shall be a public record, except as otherwise

1 prohibited by law.

2 Section 190. Conflict with Act. All laws and parts of laws
3 in conflict with this Act are repealed.

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.